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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,964	05/02/2007	Michael Baldischweiler	BALD3012/JEK	5100
23364	7590	06/09/2010		
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176			EXAMINER ZELASKIEWICZ, CHRYSTINA E	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 06/09/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,964	Applicant(s) BALDISCHWEILER ET AL.	
	Examiner CHRYSTINA ZELASKIEWICZ	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>May 11, 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. This action is in reply to the application filed on May 2, 2007.
2. Claims 1-25 are pending.
3. Claims 1-25 have been examined.
4. This Office Action is given Paper No. 20100603 for references purposes only.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

6. The Information Disclosure Statement filed on May 11, 2007 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Objections

7. Claim 10 is objected to because it states "effected contactlessly at at least one." Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement

thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-25 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

10. Regarding claims 1-16, based on Supreme Court precedent¹ and recent Federal Circuit decisions, a § 101 patent eligible process must (1) be tied to a particular machine (or apparatus); or (2) transform a particular article to a different state or thing. See *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008) (en banc). This is called the Machine-or-Transformation Test.

a. To meet prong (1), the method steps should positively recite the machine to which it is tied. Alternatively, or to meet prong (2), the method steps should positively recite the material that is being changed to a different state, or positively recite the subject matter that is being transformed. For example, a method claim that would *not* qualify as a patent eligible process because it fails both prongs of the Machine-or-Transformation Test would be a claim that recites purely mental steps.

b. In this particular case, the process claims fail prong (1) because the method steps of transmitting and checking are not tied to a specific machine since the method step could be performed by a human being. Finally, Examiner

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

notes that the claims fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing.

11. Regarding claims 17-25, under the broadest reasonable interpretation, these claims are directed to a computer program only. "Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical 'things.' They are neither computer components nor statutory processes, as they are not 'acts' being performed." MPEP §2106.01 I. Because the claims recite only abstractions that are neither "things" nor "acts," the claims are not within one of the four statutory classes of invention.⁶ Because the claims are not within one of the four statutory classes of invention, the claims are rejected under 35 U.S.C. §101.

c. Claim 17 is a system claim directed to a personal electronic means of payment of an owner, an impersonal electronic intermediate carrier, and a receiving device of a payee. Because Applicant's specification does not lexicographically define "device", Examiner uses the broadest reasonable interpretation to define "device" as software (see claim interpretation below). Furthermore, "a personal electronic means of payment of an owner" (e.g. credit card number) and "an impersonal electronic intermediate carrier" (e.g. online banking institution) could be interpreted as software. Thus, Examiner interprets claims 17-25 as directed to software alone.

d. "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and

USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material." MPEP §2106.01 I.

e. "A general purpose computer, or microprocessor, programmed to carry out an algorithm creates 'a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.'" *WMS Gaming, Inc. v. International Game Tech.*, 184 F.3d 1339, 1348, 51 USPQ2d 1385, 1391 (Fed. Cir. 1999) citing *In re Alappat*, 33 F.3d 1526, 1545, 31 USPQ2d 1545, 1558 (Fed. Cir. 1994) (en banc).

Claim Rejections - 35 USC § 112, 2nd paragraph

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 16 and 23 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claim 16 states "transmitting the functionality required for transmitting a data record from the personal means of payment or a personal device to the intermediate carrier from the intermediate carrier to the personal means of payment or the personal device." This phrase is vague and indefinite because it is unclear how the functionality

is transmitted. For purposes of applying the prior art only, Examiner will interpret the phrase as “transmitting a data record from the personal means of payment or a personal device to the intermediate carrier, and transmitting the data record from the intermediate carrier to the personal means of payment or the personal device.”

15. Claim 23 recites the limitation “the intelligent device.” There is insufficient antecedent basis for this limitation in this claim. For purposes of applying the prior art only, Examiner will interpret the phrase as “the personal device is an intelligent device that.”

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-8, 10, and 14-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hurta et al. (US 5,602,919) in view of Official Notice.

Claims 1, 17

18. Hurta discloses the following limitations:

- f. transmitting at a first time (t1) (phase A, see C8 L1-27, figure 5) a data record (transfer data representing toll amount, see C5 L14-20) assigned to the service (paying tolls, see abstract) from the owner's personal electronic means of payment (user's smartcard **66**, see abstract, C2 L59 – C3 L2), directly or by means of a personal device of the owner, to an electronic intermediate carrier (transponder **14**, see abstract, C2 L59 – C3 L2) which is formed as a transferable unit physically separate (see figures 1-2) from the owner's personal electronic means of payment, and
 - g. at a second time (t2) (phase B, see C8 L27-67, figure 5) which is later than the first time (t1), checking the data record or data derived therefrom by a receiving device of the payee (interrogator **12**, see C3 L3-20) as to whether the service was rendered correctly (valid data exchange, see C3 L3-20).
- 19. Hurta does not disclose the following limitations:
 - h. checking the data record or data derived therefrom by a receiving device of the payee.
- 20. Examiner takes **Official Notice** that it is old and well known in the computer arts that in order to determine whether service was rendered correctly regarding a data record, the data record must be checked.
- 21. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hurta to include checking the data record or data derived therefrom by a receiving device of the payee because checking the data record will verify whether

service was rendered correctly (i.e. a valid data exchange has occurred, see Hurta C3 L3-19, C6 L3-51).

Claim 2

22. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- i. transmitting the data record (transfer data for toll, see C5 L14-20) or data derived therefrom from the electronic intermediate carrier (transponder, see C6 L3-51) to the payee (interrogator of toll plaza, see C6 L3-51).

Claim 3

23. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- j. securing the data record cryptographically (encrypted MAC, see C6 L28-34).

Claim 4

24. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- k. the data record depends on at least one of individual data of the electronic intermediate carrier (transponder identity or certificate, see C6 L3-51) and a consecutive character string.

Claim 5

25. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

l. Data record with an encrypted MAC, using an encryption method such as DES (see C6 L3-51).

26. Hurta does not disclose the following limitations:

m. encrypting the data record by means of a public key of the payee.

27. Examiner takes **Official Notice** that it is old and well known in the encryption arts that data may be encrypted by a public key.

28. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hurta to show encrypting the data record by means of a public key of the payee because Hurta already teaches encrypting the data record for security purposes (see Hurata C6 L3-51). Using the payee's public key will ensure proper authorization between the transponder and interrogator (see Hurta C6 L3-51).

Claim 6

29. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

n. the data record depends on personal data (PIN, see C8 L5-13) of the owner of the personal electronic means of payment.

Claim 7

30. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- o. the data record represents at least one amount of money or at least one unit of value (payment method, see C6 L3-19).

Claim 8

31. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- p. deleting or invalidating (transaction failed, see C6 L28-34) the data record at the second time (t2) completely or with regard to the data derived therefrom in the electronic intermediate carrier.

Claim 10

32. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- q. the data transmission is effected contactlessly (wireless fashion, see C3 L20-38) at least one of the first time (t1) and the second time (t2).

Claim 14

33. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

r. visualizing information (show amount last debited, see C4 L56-67) in connection with the data record on the intermediate carrier.

Claim 15

34. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

s. Fastening the intermediate carrier (transponder, see C3 L39-52) detachably to an object (vehicle, see C3 L39-52).

Claim 16

35. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

t. Transmitting the functionality required for transmitting a data record from the personal means of payment (smartcard, see C5 L14 - C6 L51) or a personal device to the intermediate carrier (transponder, see C5 L14 - C6 L51) from the intermediate carrier to the personal means of payment or the personal device.

Claim 18

36. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

u. The electronic intermediate carrier is formed as a transponder (transponder, see C3 L39-52).

Claim 19

37. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- v. the electronic intermediate carrier (transponder, see C3 L39-52) is set up for repeated transmission of data records (paying tolls on road, see abstract, C3 L1-20).

Claim 20

38. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- w. the functionality required for transmitting a data record (toll amount, see C4 L56 – C5 L13) from the personal means of payment (smartcard, see C4 L56 – C5 L13) or a personal device to the intermediate carrier (transponder, see C4 L56 – C5 L13) is stored as an application (application, see C4 L56 – C5 L13) on the electronic intermediate carrier.

Claim 21

39. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- x. the electronic intermediate carrier (transponder, see C3 L39-52) has a display device (LCD **74**, see C4 L56-67) for visualizing information in connection with a data record (amount of money last debited, see C4 L56-67).

Claim 22

40. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- y. the personal device (smartcard, see C4 L56-67) is an intelligent device having a reading device for near field communication with a transponder (transponder, see figure 4, C4 L56-67).

Claim 23

41. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

- z. the intelligent device is a smartcard (smartcard, see C4 L56-67).

42. Hurta does not disclose the following limitations:

- aa. the intelligent device is a mobile telephone.

43. Examiner takes **Official Notice** that it is old and well known in the computer arts that a smartcard can be utilized with a mobile telephone.

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hurta to show the intelligent device is a mobile telephone because a

mobile telephone can perform similar functions as the smartcard, such as read, write, and store information (see Hurta C1 L60-67).

Claim 24

45. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

bb. the personal electronic means of payment is formed as a chip card (smartcard, see C4 L56-67), or as a security module of a mobile telephone.

Claim 25

46. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Hurta discloses the following limitations:

cc. the receiving device (interrogator, see C3 L20-38) has a checking device (antenna, see C4 L43-55) as well as at least one additional component (central office computer, see C3 L20-38) which provides reference information (accounting information, see C3 L20-38) for checking a data record.

47. Claims 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurta, in view of Official Notice, and further in view of Tuttle (US 6,013,949).

Claim 9

48. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Tuttle discloses the following limitations:

dd. the electronic intermediate carrier (RFID stamp, see C2 L28-54) is not in the possession of the owner (mailer of stamp, inherent) of the personal electronic means of payment at the second time (t2) (item arrives at shipment destination, see C6 L20-49).

49. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hurta, in view of Official Notice, with Tuttle because 1) a need exists for a smartcard-based transponder that can accept money from a smartcard (Hurta C2 L1-33); and 2) a need exists for RFID tags that are efficient in operation and do not require large amounts of power to operate (Tuttle C2 L1-5). Having the intermediate carrier (e.g. postage stamp) not in the owner's possession allows for easily tracking of a package (Tuttle C1 L29-57).

Claim 11

50. Hurta in view of Official Notice discloses all the limitations above. Furthermore, Tuttle discloses the following limitations:

ee. using the cashless payment transaction for paying postage for mail (postage stamps and mailing labels, see C2 L18-28).

51. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hurta, in view of Official Notice, with Tuttle because 1) a need

exists for a smartcard-based transponder that can accept money from a smartcard (Hurta C2 L1-33); and 2) a need exists for RFID tags that are efficient in operation and do not require large amounts of power to operate (Tuttle C2 L1-5). Using the transaction for payment of mail allows for easily tracking of a package (Tuttle C1 L29-57).

Claim 12

52. Hurta, in view of Official Notice and Tuttle, discloses all the limitations above. Furthermore, Tuttle discloses the following limitations:

ff. the intermediate carrier (RFID stamp, see C2 L28-54) is fastened detachably to mail (mail, see C2 L28-48).

53. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hurta, in view of Official Notice, with Tuttle because 1) a need exists for a smartcard-based transponder that can accept money from a smartcard (Hurta C2 L1-33); and 2) a need exists for RFID tags that are efficient in operation and do not require large amounts of power to operate (Tuttle C2 L1-5). Fastening the intermediate carrier to the mail allows for easily tracking of a package (Tuttle C1 L29-57).

Claim 13

54. Hurta, in view of Official Notice and Tuttle, discloses all the limitations above. Furthermore, Tuttle discloses the following limitations:

gg. information on at least one of the time and place of the delivery (destination address, see C2 L28-48) of the mail is stored in the electronic intermediate carrier.

55. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hurta, in view of Official Notice, with Tuttle because 1) a need exists for a smartcard-based transponder that can accept money from a smartcard (Hurta C2 L1-33); and 2) a need exists for RFID tags that are efficient in operation and do not require large amounts of power to operate (Tuttle C2 L1-5). Storing time and delivery information on the intermediate carrier allows for easily tracking of a package (Tuttle C1 L29-57).

Claim Interpretation

56. Examiner finds that because the examined claims recite neither “step for” nor “means for”, the examined claims fail Prong (A) as set forth in MPEP § 2181 I. Because all examined claims fail Prong (A), Examiner concludes that all examined claims do not invoke 35 U.S.C. 112, 6th paragraph. See also *Ex parte Miyazaki*, 89 USPQ2d 1207, 1215-16 (B.P.A.I. 2008) (precedential).

hh. Should Applicant amend the claims to recite “means for”, Applicant is respectfully reminded that the specification must have proper antecedent basis for the claimed subject matter. See 37 C.F.R. § 1.75(d)(1), MPEP § 608.01(o), and MPEP § 2181 IV.

57. After careful review of the original specification and unless expressly noted otherwise by Examiner, Examiner concludes that Applicant is not his own lexicographer. See MPEP § 2111.01 IV.

58. Examiner hereby adopts the following definitions under the broadest reasonable interpretation standard. In accordance with *In re Morris*, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), Examiner points to these other sources to support her interpretation of the claims.² Additionally, these definitions are only a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

- ii. **device** “A generic term for a computer subsystem.” Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997;
- jj. **element** “n. 1. Any stand-alone item within a broader context. For example, a data element is an item of data with the characteristics or properties of a larger set.” Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002;
- kk. **subsystem** “(3) (software) A secondary or subordinate system with a larger system.” IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, 7th Edition, IEEE, Inc., New York, NY, Dec. 2000;
- ll. **system** “n. Any collection of component elements that work together to perform a task. Examples are a hardware system consisting of a microprocessor,

² While most definitions are cited because these terms are found in the claims, Examiner may have provided additional definition(s) to help interpret words, phrases, or concepts found in the definitions themselves or in the prior art.

its allied chips and circuitry, input and output devices, and peripheral devices; an operating system consisting of a set of programs and data files; or a database management system used to process specific kinds of information.” Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002; and mm. **unit** “(3) A software component that is not subdivided into other components.” IEEE Standard Computer Dictionary, The Institute of Electrical and Electronics Engineers, New York, NY, 1990.

Conclusion

59. Applicant is respectfully reminded that any suggestions or examples of claim language provided by Examiner are just that—suggestions or examples—and do not constitute a formal requirement mandated by Examiner. To be especially clear, any suggestion or example provided in this Office Action (or in any future office action) does not constitute a formal requirement mandated by Examiner.

nn. Should Applicant decide to amend the claims, Applicant is also reminded that—like always—no new matter is allowed. Examiner therefore leaves it up to Applicant to choose the precise claim language of the amendment in order to ensure that the amended language complies with 35 U.S.C. § 112 1st paragraph.

oo. Independent of the requirements under 35 U.S.C. § 112 1st paragraph, Applicant is also respectfully reminded that when amending a particular claim, all claim terms must have clear support or antecedent basis in the specification.

See 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o). Should Applicant amend the claims such that the claim language *no longer* has clear support or antecedent basis in the specification, an objection to the specification may result. Therefore, in these situations where the amended claim language does not have clear support or antecedent basis in the specification and to prevent a subsequent 'Objection to the Specification' in the next office action, Applicant is encouraged to either (1) re-evaluate the amendment and change the claim language so the claims *do* have clear support or antecedent basis or, (2) amend the specification to ensure that the claim language does have clear support or antecedent basis. See again MPEP § 608.01(o) (¶3). Should Applicant choose to amend the specification, Applicant is reminded that—like always—no new matter in the specification is allowed. See 35 U.S.C. § 132(a). If Applicant has any questions on this matter, Applicant is encouraged to contact Examiner via the telephone number listed below.

60. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from Examiner should be directed to Chrystina Zelaskiewicz whose telephone number is 571.270.3940. Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at 571.272.6779.

61. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Chrystina Zelaskiewicz/
Examiner, Art Unit 3621
June 3, 2010

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621